

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 582

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO LANDS; AMENDING TITLE 58, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 15, TITLE 58, IDAHO CODE, TO PROVIDE LEGISLATIVE INTENT, TO PROVIDE A SHORT TITLE, TO PROVIDE FOR LANDS RECEIVED FROM THE FEDERAL GOVERNMENT, TO PROVIDE ADMINISTRATION AND MANAGEMENT CRITERIA, TO PROVIDE FOR MULTIPLE USE AND TO PROVIDE FOR SUSTAINED YIELD.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Title 58, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 15, Title 58, Idaho Code, and to read as follows:

CHAPTER 15

IDAHO MULTIPLE USE SUSTAINED YIELD ACT

58-1501. LEGISLATIVE INTENT. The transfer of certain federally held public lands to the state of Idaho would fulfill the promise made in the U.S. constitution, the Idaho constitution, the Idaho admissions act and congressional acts under the equal footing doctrine. The equal footing doctrine requires that any new state enter the union with all the same rights as the original thirteen states.

The preamble to the Idaho admission act of 1890, in part, states: "Whereas, said convention and the people of said territory have asked the admission of said territory into the Union of States on an equal footing with the original states in all respects whatever."

And, section 1 of the Idaho admission act of 1890, in part, provides: "(Section) 1. Idaho admitted to union - Constitution ratified. - The state of Idaho is hereby declared to be a state of the United States of America, and is hereby declared admitted into the union on an equal footing with the original states in all respects whatever;"

Such rights include the grant of all land held in trust by the federal government for the states once they are granted statehood. Sister states to whom this guarantee has been fulfilled have control of their destiny and absolute economic freedom and have a distinct advantage over the state of Idaho.

Congress has not fulfilled its contractual obligation in the Idaho admission act to bring Idaho into full statehood. This act of the Idaho legislature is laying out a path to the citizens of Idaho as to how those lands will be managed once the contract is fulfilled.

58-1502. SHORT TITLE. This chapter shall be known as the "Idaho Multiple Use Sustained Yield Act."

1 58-1503. LANDS RECEIVED FROM FEDERAL GOVERNMENT. All lands received
 2 by the state of Idaho by grant, purchase, law, court decree or other method
 3 from the United States of America, or any agency thereof, on and after July
 4 1, 2016, not specifically designated as state endowment land shall be exclu-
 5 sively administered by the state of Idaho pursuant to the provisions of this
 6 chapter.

7 58-1504. MANAGEMENT CRITERIA. All lands of the state of Idaho subject
 8 to this chapter shall be administered and managed by the state of Idaho for
 9 multiple use and sustained yield in relation to timber production and har-
 10 vest, livestock range, mineral exploration and development, watershed, fish
 11 and wildlife and outdoor recreation, provided that the foregoing shall not
 12 interfere with or impair any bona fide and existing rights of a person in ex-
 13 istence at the time the lands are acquired by the state of Idaho.

14 58-1505. MULTIPLE USE. For purposes of this chapter, the management
 15 model of "multiple use" means the management of all the various renewable
 16 surface resources of lands of the state of Idaho subject to this chapter so
 17 they are utilized in combination with all uses:

18 (1) To best meet the needs of residents of the state of Idaho making the
 19 most efficient and economically beneficial use of the surface resources or
 20 related services over areas large enough to provide sufficient flexibility
 21 for periodic adjustments in use to conform to changing needs and conditions;

22 (2) That some land will be used for less than all of the resources;

23 (3) To effect harmonious and coordinated management of the various re-
 24 sources, each with the other, without permanent impairment of the productiv-
 25 ity of the land, with consideration being given to the relative values of the
 26 various resources and uses, not necessarily the combination of all uses on
 27 every acre, and no mandate for the highest dollar return or the highest unit
 28 output.

29 58-1506. SUSTAINED YIELD. For purposes of this chapter, the manage-
 30 ment model of "sustained yield" means the management of all the various re-
 31 sources, surface and subsurface, renewable and nonrenewable, of lands of the
 32 state of Idaho subject to this chapter to effect the achievement and mainte-
 33 nance in perpetuity of a high-level annual or regular periodic output of the
 34 various resources of the lands without permanent impairment of the produc-
 35 tivity of the land.